

**From:** Dain  
**To:** Microsoft ATR  
**Date:** 1/23/02 11:40pm  
**Subject:** Microsoft Settlement

Good day,

After having read the proposed settlement against Microsoft, I would like to voice my comments. I am not in favor of the proposed settlement as it stands and am strongly opposed to the current course of action.

I have been a computer user and enthusiast for a number of years and have increasingly grown frustrated with the practices of Microsoft that I seem to keep running into. I feel cheated by the acceptance of the proposed settlement terms. I have listened to an explanation of the reasoning behind some of the proposals as well as read through them myself and there are many potentially good points that have been proposed, but the problem that I see the most is that a great damage has already been done by Microsoft.

Even if their wrong doings are addressed for future practices, they still have unfairly dominated the software and operating system markets, and I don't see how companies they've engaged with will be compelled to alter their practices.

As a computer user, every time I purchase a new computer I am forced by the manufacturer to pay for a Windows operating system, even though I already have multiple copies of the software that I have paid for and I don't want to install Microsoft Windows. I want to install the free Linux operating system.

Even if Microsoft is prevented from forcing this practice on computer manufacturers in the future, what incentive is there for manufacturers to offer either no operating system or an alternative operating system. The manufacturers are so entrenched with Microsoft products that even hardware is becoming more arbitrary to Microsoft software and incompatible with anything else. This is a clear example of hurting consumers and the advancement of computing in the United States. Even if I am able to buy a computer without an operating system, or the operating system of my choice, I am not able to use a modem because nearly all computer manufacturers ship Winmodems, or software based modems that are controlled by Microsoft drivers and software. Even if you could buy a non-winmodem, you still couldn't use it because manufacturers have altered the slot architecture to only allow for PCI devices, which traditional modems cannot be installed in. I spent \$100.00 for a modem in a new computer only to find that it will only work under Windows. If the source code were released then maybe someone could develop drivers to support these modems and other software, but as long as Microsoft continues to produce closed-source software the advancement of computing suffers. Even the advancement of Microsoft during fair practices suffers.

I am currently a member of USENIX, the Advanced Computing Systems Association, and a member of SAGE, the System Administrators Guild.

As such I am constantly involved in working with more powerful and reliable computer systems and software and become more and more hampered in my learning efforts by facing what seems like an army of software vendors, service providers, and businesses in the job market that pose roadblocks to universal computing standards because of Microsoft practices.

I feel that Microsoft must not only refrain from future misconduct, but needs to repair the damage that it has already done to so many competitors. Giving away their software to children in schools is not a reparation but further promotion of a monopoly, and further indication of Microsoft's monopolistic intents.

One operating system vendor offered to supply free software and support for as many computers as Microsoft could donate to schools and thereby substantially increase the number of computers schools would receive.

This is exactly the type of remedy Microsoft should be engaged in to repair the market competition they have curtailed. If the telecommunications act of 1996 required incumbent local exchange carriers to open their networks and rights of way to competitive carriers, why shouldn't Microsoft be required to open the source code to its software and operating systems. I also think that Microsoft needs to be accountable for the software it does produce. You need a Department of Justice to read through all the disclaimers and legalese that comes with every Microsoft product.

I have much more to say about these matters, but in appreciation of your time and consideration of my comments I'll end here.

Thank you for your help and continued perseverance to protect the consumer and fair competition in this matter.

Sincerely,

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